

VII. SAMPLE LOAN ENROLLMENT APPLICATIONS, CERTIFICATIONS & FORMS

Samples of forms required by CalCAP are provided in this Chapter for quick reference. Lenders should refer to the CalCAP website to download the most current forms:

☞ <http://www.treasurer.ca.gov/cpcfa/calcap/arb/index.asp>

CalCAP
Use
Only

CalCAP
Loan #
Date
Received

CalCAP AIR RESOURCES BOARD (ARB) PROGRAMS LOAN ENROLLMENT APPLICATION

Lender Information

Participating Lender

Lender ID#

Loan Officer Name

Phone

Loan Officer Email

Borrower Information

Name

DBA

Address

City

County

Zip

Type of Business/Activities

Average Annual Revenue Last 3 Years \$

Number of Employees

Jobs created

Jobs retained

Will loan monies be used at above address? ☒ Yes ☐ No If no, location where loan will be used:

Address

City

County

Zip

NAICS Code

<http://www.census.gov/eos/www/naics/>

Census Tract #

<http://www.flec.gov/Geocode/default.aspx>

Purpose of Loan

Is business minority owned? ☐ Yes ☐ No ☒ Decline to Answer

Is business woman owned? ☐ Yes ☐ No ☒ Decline to Answer

Is business veteran owned? ☐ Yes ☐ No ☐ Decline to Answer

Loan Information

Lender Loan Number

Type of Loan: ☐ Line of Credit ☐ Term Loan ☐ TRAC Lease

Total Loan Amount \$

Loan Amount Enrolled in CalCAP \$

Date of First Disbursement (Date of Loan)

Maturity Date

Interest Rate

% APR

☐ Fixed ☐ Variable

Is the loan secured? ☐ Yes ☐ No

Name of ARB Program ☐ On-Road ☐ Off-Road ☐ Prop 1B

When complete, please send to: CalCAP@treasurer.ca.gov or by fax (916) 589-2805

Revised January 1, 2014

Borrower Name

Lender Loan Number

By initialing each item below and enrolling this loan the Participating Financial Institution certifies, based in part on information provided by the Borrower:

* all capitalized terms are defined in 4 CCR §8070 of the California Code of Regulations.

- ☐ The loan is a Qualified Loan as defined in 4 CCR §8070(s) of the California Code of Regulations.
- ☐ The business receiving the Qualified Loan is a Qualified Business, as defined in 4 CCR §8070(r) or 4 CCR §8078.2(c) of the California Code of Regulations.
- ☐ The Qualified Loan is for a business activity that has its Primary Economic Effect in California as defined in 4 CCR §8070(o) of the California Code of Regulations.
- ☐ The Participating Financial Institution will provide information from financial records of the Borrower upon request of the Executive Director of the CPCFA, and the Participating Financial Institution has obtained the consent of the Borrower to such disclosure.
- ☐ The Participating Financial Institution has obtained a written representation from the Borrower that the Borrower has no legal, beneficial or equitable, interest in the Fees or the Matching Contribution.
- ☐ The enrolled amount of the loan does not exceed \$1,500,000 for the Air Resources Board On-Road Heavy Duty Diesel Vehicle Program.
- ☐ The Participating Financial Institution has obtained a written representation from the Borrower that it has secured or made application for all applicable licenses or permits needed to conduct its business.
- ☐ The Participating Financial Institution has not, and will not, enroll the same loan or portion thereof in any other government program substantially similar to the Program.
- ☐ The Borrower has received CPCFA's CalCAP/ARB Privacy Notice.
- ☐ The Participating Financial Institution acknowledges that its lending activities are subject to safety and soundness standards as set forth in any applicable federal banking regulations.

Authorized Lender Signature

Title

Date

California Pollution Control Financing Authority Use Only			
CalCAP Loan Number	Analyst's Initials	Date	Reviewer's Initials
FUND _____ %		FUND _____ %	
Contribution Amount \$ _____		Contribution Amount \$ _____	
Authorized Signature			Date:

When complete, please send to: CalCAP@treasurer.ca.gov or by fax (916) 589-2805

Revised January 1, 2014

**HEAVY-DUTY VEHICLE AIR QUALITY LOAN PROGRAM
(HDV AIR QUALITY LOAN PROGRAM)
BORROWER ELIGIBILITY CRITERIA AND SELF-CERTIFICATION FORM**

The undersigned Borrower hereby applies to the California Pollution Control Financing Authority (CPCFA) for funds to pay the Borrower's premium for participation in the CPCFA's California Capital Access Program (CalCAP). The lender will submit this form with the CalCAP ARB Programs Loan Enrollment Form to CPCFA at:

California Pollution Control Financing Authority (CPCFA)
915 Capitol Mall, Rm. 457
Attention: California Capital Access Program (CalCAP)
Sacramento, CA 95814
Fax: (916) 589-2805

For assistance, lenders please call CPCFA staff at (916) 654-5610.

**SECTION I
HDV AIR QUALITY LOAN PROGRAM ELIGIBILITY**

By initialing on each line, Borrower certifies to eligibility under the HDV Air Quality Loan Program.

(a)_____ Borrower will use the program only to purchase on-road heavy-duty vehicles and equipment for compliance with the California Air Resources Board's (ARB) Statewide In-Use Truck and Bus Regulation (Regulation)(California Code of Regulations, title 13, section 2025). Eligible purchases with loan proceeds include:

- Used and new tractors equipped with 2007 – 2009 model year engines certified to engine emission standards of 1.20 g/bhp-hr NOx and 0.01 g/bhp-hr PM or cleaner;
- Tractors equipped with 2010 and later model year engines ARB-certified to 2010 and later model year emission standards; and
- ARB-verified diesel emission control devices (exhaust retrofits).

(b)_____ Borrower certifies that his/her fleet has 10 or fewer on-road heavy-duty vehicles subject to the regulation referenced in the above statement, or is a non-profit entity that meets all other CalCAP requirements. Consistent with California Code of Regulations, title 13, section 2025, Borrower shall include vehicles whether or not they are registered, and including vehicles registered as non-operating. In Section III, the Borrower shall provide the total number of on-road heavy-duty vehicles in his/her fleet subject to the Regulation. (Non-profit organizations may have more than 10 vehicles but must satisfy all other requirements of the CalCAP and HDV Air Quality Loan Programs).

(c)_____ Borrower certifies that he/she has 100 or fewer employees and \$10 million or less in annual revenues averaged over the prior three (3) years.

By initialing either (d) or (e) below, Borrower certifies that either (d) or (e) is true and correct. If Borrower has not received either ARB grant, DO NOT INITIAL EITHER STATEMENT.

(d)_____ Borrower certifies that that he/she has received a grant through the ARB's Proposition 1B Goods Movement Emission Reduction Program for the vehicle(s) being financed.

(e)_____ Borrower certifies that that he/she has received a grant through the ARB's Carl Moyer Program On-Road Heavy-Duty Vehicle Voucher Incentive Program (VIP) for the vehicle(s) being financed.

SECTION II CalCAP ELIGIBILITY

By initialing on each line, the Borrower certifies to eligibility under CalCAP.

(a)_____ Borrower is a qualified business and small business concern defined collectively as follows:

- Health and Safety Code section 44559.1(i): "Qualified business" means a small business concern that meets both of the following criteria, regardless of whether the small business concern has operations that affect the environment:
 - (1) It is a corporation, partnership, cooperative, or other entity, whether that entity is a nonprofit entity or an entity established for profit, that is authorized to conduct business in the state.
 - (2) It has its primary business location within the boundaries of the state.
- Health and Safety Code section 44559.1(m): "Small business concern" has the same meaning as in Section 632 of Title 15 of the United States Code, or as otherwise provided in regulations of the authority.
- California Code of Regulations, title 4, section 8070(r): "Qualified Business" and "Small Business Concern" means a business as set forth in Health and Safety Code Section 44559.1 subdivisions (i) and (m), that is not dominant in its field of operation, and that together with affiliates, has 500 or fewer employees.

(b)_____ Borrower obtained a loan that is for a business activity that has its primary economic effect in California defined as follows:

- California Code of Regulations, title 4, Section 8070(o): "Primary economic effect in California" means, as applied to a business activity, that either of the following conditions exists:
 - (1) At least 51 percent of the total revenues of the business activity are generated in California; or
 - (2) At least 51 percent of the total jobs of the business activity are created or retained in California.

(c)_____ Borrower agrees to allow the participating financial institution to provide information from financial records of the Borrower upon request of the Executive Director of CPCFA.

(d)_____ Borrower has no legal, beneficial, or equitable interest in the fees or the matching contribution.

(e)_____ Borrower does not have a total enrolled principal amount in excess of \$2,500,000 at any CalCAP participating financial institution over a three year period.

(f)_____ Borrower has secured or made application for all applicable licenses or permits needed to conduct its business.

(g)_____ Borrower has received CPCFA's CalCAP/ARB Privacy Notice dated January 1, 2014.

SECTION III

By initialing on each line, the Borrower certifies that each statement below is true and correct. Please also provide the applicable information in the table below, including the engine manufacturer and model year of a tractor that is replaced with a tractor purchased with loan proceeds.

(a) _____ Borrower certifies that he/she meets state and federal requirements to operate in California.

(b) _____ Borrower agrees to allow ARB staff or its designee to inspect the affected vehicle.

Additional Information for Completion by the Borrower			
Fleet Size^a			
For Tractor Purchases			
	Engine Manufacturer	Engine Model Year	
New Purchase			
Used Purchase			
Replaced Tractor (if purchase is to replace an existing tractor)			
For ARB-Verified Diesel Emission Control Device (Exhaust Retrofit) Purchases			
	Device Manufacturer And Model Name	Technology Type (State the technology type. Example: Diesel Particulate Filter)	
Diesel Emission Control Device			
For Trailer Purchases^b			
	Trailer Manufacturer	Trailer Model Year	SmartWay Certified? (Yes or No)
Trailer			

^a The Borrower shall write in the total number (example: 8) of on-road heavy-duty vehicles in his or her fleet.

^b Trailers may be eligible for financing ONLY in conjunction with an eligible tractor or exhaust retrofit.

(Business Name)

(Print Borrower's Name)

(Borrower's Signature)

(Date)

(Business Address)

(Phone Number)

(CPCFA Review: Signature and Title)

(Date)

3. CalCAP ARB Privacy Notice



CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

915 Capitol Mall, Room 457
Sacramento, CA 95814
p (916) 654-5610
f (916) 657-4821
cpcfafa@treasurer.ca.gov
www.treasurer.ca.gov/cpcfafa

MEMBERS

BILL LOCKYER, CHAIRMAN
State Treasurer

JOHN CHIANG
State Controller

MICHAEL COHEN
Director of Finance

EXECUTIVE DIRECTOR
Renee Webster-Hawkins

Exhibit A: Attachment 2

PRIVACY NOTICE

CalCAP/ARB Heavy Duty Vehicle Air Quality Loan Program

The California Information Practices Act of 1977 (the Act) (Civil Code §1798.17) requires that this notice be provided when a governmental agency collects the personal information of individuals. Name, address, telephone number, gender, race, business and financial information related to this loan is requested by the California Capital Access Program (CalCAP) of the California Pollution Control Financing Authority for the purposes of assessing compliance with CalCAP program requirements. It is mandatory for the lender to provide this information to CalCAP when enrolling a borrower's loan in the CalCAP/ARB Heavy Duty Vehicle Air Quality Loan Program. Failure to provide the information may result in rejection of the application.

Personal information protected by the Act may be disclosed under the following circumstances: (1) to consultants, auditors or contractors retained by the California Pollution Control Financing Authority where disclosure is required to fulfill CalCAP program requirements and subject to a nondisclosure agreement; (2) to another governmental entity where required by state or federal law; or (3) as otherwise required by law. Information related to this loan not including personally identifying information may be disclosed to the Air Resources Board for statistical reporting.

The agency official responsible for the maintenance of the personal information is the CalCAP Program Manager, at 915 Capitol Mall, Suite 457, Sacramento, CA 95814, Tel: (916) 654-5610. California Code of Regulations §8072 authorizes the solicitation and maintenance of the personal information requested. Borrowers have the right to access their information upon request by contacting the CalCAP Program Manager.

Copy to Borrower: DO NOT Submit to CalCAP

Revised January 1, 2014

CalCAP FINANCIAL INSTITUTION CLAIM APPLICATION

NOTE: A lender is required to notify the Authority within 120 days of when the lender has charged off all or part of a qualified loan as a result of default by a borrower. If the form is filled out properly and the lender has faithfully complied with CalCAP requirements, CPCFA will authorize the Program trustee to reimburse the lender from the lender's loss reserve account within 30 business days.

Lender and Borrower Information

Participating Lender: _____ Lender's CalCAP ID #: _____
Lender Contact: Name: _____ CalCAP Loan Number: _____
Phone: _____ Borrower's Name: _____
Address: _____ Borrower DBA: _____

Loan Information

Original Principal Amount of Loan: _____ Date of Loan: _____
Default Amount: _____ Date of Default: _____
Is this loan secured? ☐ Yes ☐ No Date of Charge-off: _____
If yes, what form of security _____

Was the loan in the first \$1 million of CalCAP loans made by lender? ☐ Yes ☐ No

Have enforcement proceedings begun? ☐ Yes ☐ No

Lender's priority of claim (If two or more claims filed by lender): _____

Claim Information

Outstanding Principal	\$ _____
Accrued and Unpaid Interest	\$ _____
Out-of-pocket expenses (Attach detailed explanation)	\$ _____
Total	\$ _____

Please attach loan history report.

- The lender warrants this claim is being filed within 120 days of the loan being charged off and that charge-off was consistent with the lender's usual methods for taking action on loans not enrolled in the Program.
- Lender will, as CPCFA's agent, pursue additional recovery on this defaulted loan through legal proceedings, seizure and liquidation of collateral, guarantees, and/or other sources.
- Lender certifies it has given notice to the Authority of the initial enrollment of the loan in CalCAP, and either:
(1) has given notice to the Authority of any renewals or extensions of the loan; or
(2) the loan was continuously renewed or extended since the date of its initial enrollment in CalCAP.

Authorized Signature _____ Date _____

Title _____

California Pollution Control Financing Authority Use Only		
Authorized Signature	Date	Amount \$